

REMARKS/ARGUMENTS

Objections

Examiner has objected to claim 31 as lacking reference to the claim upon which it depends.

Applicant has amended claim 31 to include reference to the base claim.

Section 101 Rejections

Examiner has rejected claims 41-43 under 35 U.S.C. 101.

Applicant has cancelled claims 41-43.

Section 112 Rejections

Examiner has rejected claims 41-43 under 35 U.S.C. 112. Examiner has further rejected claim 40 under 35 U.S.C. 112. Examiner has rejected pending claims 1, 8, 14, 18, 31 and 38 under 35 U.S.C. 112 as being indefinite and failing to particularly point out the subject matter that Applicant regards as his invention. Examiner has further rejected pending claims 1, 8, 14, 18 and 31 under 35 U.S.C. 112 as being confusing; claims 1, 8, 14, 18, 31 and 38 as being indefinite, wherein claims 1 and 38 lack a positive process step that relates back to the preamble; and claim 38 as lacking a subject to be fed.

Applicant has amended claim 1 to particularly point out the subject matter of Applicant's invention, to overcome indefiniteness and confusion, and has amended to provide a positive process step relating back to the preamble.

Applicant has amended claims 8, 14, 18 and 31 as to form.

Applicant has cancelled claims 38, 40 and 41-43.

Section 103(a) Rejections

Examiner has rejected claims 1, 8, 14, 18, 31 and 38

Applicant has amended claim 1, as noted above, and to claim that administration of an antibody reduces lipase activity in vivo. Support for claim 1 amendment is found in Example 4 on pages 7-8 of the specification.

Applicant has amended claims 8, 14, 18 and 31, as noted above.

Applicant has cancelled claim 38, as noted above.

Applicant further respectfully asserts that U.S. Pat. No. 5,585,098 and U.S. Pat. No. 5,080,895 are not analogous art, since both patents read on treatment of diseases by administration of antibodies. Furthermore, both patents teach away from use to treat obesity, since most, if not all, diseases tend to cause weight loss and such weight loss further complicates recovery. Thus, weight loss would be an undesirable characteristic in treatment of illness via antibodies, and, accordingly, the references would not lead one to experiment with reduction of weight and/or prevention of weight gain via antibodies. Furthermore, there is no indication in either reference to weight or obesity, nor that lipase activity is decreased by addition of antilipase antibodies. Additionally, JP02150294 appears to state, *inter alia*, that the monoclonal antibody "never inhibits the enzymatic activity of the lipase..." and thus teaches away from Applicant's invention.

New Claims

Applicant has added new claims 44-54. This has resulted in an increase in the number of independent claims to four and the number of dependent claims to twenty-six, and Applicant has included a fee for said additional independent claim in the amount of \$125.00. A fee calculation sheet is enclosed for Examiner's reference. (It is possible that a higher number than three independent claims and twenty-six total claims were previously paid for; in such event, Applicant respectfully requests a refund of any excess amounts paid.)

Applicant has added new claim 44 to a method of decreasing lipase activity. Support for claim 44 is found in Example 4 on pages 7-8 of the specification.

Applicant has added new claim 45 to a ratio of lipase to antilipase for the method of claim 44.

Support for claim 45 is found in Example 4 on pages 7-8 of the specification.

Applicant has added new claim 46 to a ratio of lipase to antilipase for the method of claim 44.

Support for claim 46 is found in Example 4 on pages 7-8 of the specification.

Applicant has added new claim 47 to a method of controlling weight gain in mammals. Support for claim 47 is found in Example 5 on page 9 of the specification.

Applicant has added new claim 48 further limiting claim 47. Support for claim 48 is found in Example 6 on pages 9-10 of the specification.

Applicant has added new claim 49, limiting claim 47 to an avian antibody. Support for claim 49 is found in Example 3 on pages 6-7 of the specification.

Applicant has added new claim 50 limiting claim 47 to oral administration. Support for claim 50 is found in Example 8 on pages 10-11 of the specification.

Applicant has added new claim 51 limiting claim 50 to a combination of feed with the antilipase antibody. Support for claim 51 is found in Example 8 on pages 10-11 of the specification.

Applicant has added new claim 52 to a method of monitoring weight change. Support for claim 52 is found in Example 5, page 9, Example 6, pages 9-10, Example 8, pages 10-11 and Example 10, page 12 of the specification.

Applicant has added new claim 53 limiting claim 52 to a liposomal preparation. Support for claim 53 is found in Example 7 on page 10 of the specification.

Applicant has added new claim 54 limiting claim 52 to an antilipase antibody from chicken egg yolks. Support for claim 54 is found in Example 2 on pages 5-6 of the specification.

CONCLUSION

No new matter has been added.

Applicant respectfully believes that amended claim 1, and new claims 44-45 and 46-56 distinguish over the prior art and are now in condition for allowance, and Examiner's rejection of all claims depending therefrom is now moot. Applicant further respectfully asserts that Examiner's rejection of all claims depending from claim 1 is now moot.

If Examiner disagrees with Applicant's position and would like to receive further clarifying explanations of the significance of Applicant's invention, it is respectfully requested that Applicant be granted a telephone interview with Examiner. Otherwise, should

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Page 13 of 13

the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the telephone number below.

Respectfully submitted, this 12th day of December, 2005,



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